

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

EARL PARRIS, JR., individually,)	
and on behalf of a Class of persons)	
similarly situated,)	
)	
<i>Plaintiff,</i>)	Civil Action No. 4:21-cv-00040-TWT
)	
vs)	
)	
3M COMPANY, et al.,)	
)	
<i>Defendants.</i>)	

DEFENDANT MOUNT VERNON MILLS, INC.’S
MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant to the Court’s Local Rules, LR App. H, Section II(J) and Agreed Protective Order, Defendant Mount Vernon Mills (“Mount Vernon”), respectfully requests leave of this Court to file under seal Exhibits A and B to Mount Vernon’s Response to Plaintiff’s Objection to Assertion of Privilege and Motion for In Camera Review of Documents (“Plaintiffs’ Motion”). [Dkt. 312] Both exhibits are emails that constitute attorney/client and/or attorney work product confidential information.

Specifically, Exhibit A consists of two inadvertently produced emails (the “Emails”) that Mount Vernon sought to claw back pursuant to the Agreed Protective Order and for which the Court has already authorized to be sealed. [Dkt. 239] The

Emails, exchanged after Plaintiff Earl Parris, Jr. threatened litigation under the Clean Water Act, comprise a direct communication between codefendants Mount Vernon and Town of Trion, Georgia (“Trion”), pursuant to which Mount Vernon communicated questions posed by its attorney, Greg Blount, to Trion, and Trion answered those questions. The Emails were sent between joint defendants who share a strong common interest and reveal Mount Vernon’s attorney’s mental impressions and legal conclusions. As such, the Emails in Exhibit A are privileged. *See United States v. Nobles*, 422 U.S. 225, 238-239 (1975).

Exhibit B is a redacted email sent by, Gregory Blount, to Ron Beegle of Mount Vernon, copying co-counsel and Mount Vernon’s in-house counsel providing legal advice on the litigation threatened by Plaintiff’s counsel’s notice to sue letter and is indisputably subject to the attorney-client privilege. *See United States v. Davita, Inc.*, 301 F.R.D. 676, 680 (N.D. Ga. 2014). Mount Vernon attaches this document for an in-camera review and under seal only because Plaintiffs’ Motion attempts to cast doubt on Mount Vernon’s counsel’s repeated representations that the questions conveyed and answered in Exhibit A came directly from counsel. Mount Vernon does not waive the privilege of this document by filing it under seal for defensive use. *See Briggs & Stratton Corp. v. Concrete Sales & Servs., Inc.*, 176 F.R.D. 695, 696 (M.D. Ga. 1997) (where the Court in deciding whether an inadvertent disclosure

of privileged documents waived the privilege, noted that it placed the “documents in question under seal pending a hearing and in camera review”). Nor does filing the exhibits under seal waive protections from disclosure. *See* Fed. R. Civ. P. 26(b)(5)(B). The exhibits are only being filed in support of Mount Vernon’s assertion of privilege because it has been compelled to respond and, accordingly, should be sealed. Mount Vernon’s publicly filed Response to Plaintiffs’ Motion explains its position in greater detail.

For the forgoing reasons, Mount Vernon respectfully requests that the Court grant Mount Vernon leave to file Exhibits A and B to Mount Vernon’s Response to Plaintiffs’ Objection to Assertion of Privilege and Motion for In Camera Review Documents under seal.

Respectfully submitted, this 3rd day of February, 2023.

/s/William M. Droze

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the within and foregoing DEFENDANT MOUNT VERNON MILLS, INC.'S MOTION TO FILE UNDER SEAL was electronically filed with the Clerk of Court using the CM/ECF system, which automatically serves notification of such filing to all counsel of record.

This the 3rd day of February, 2023.

/s/William M. Droze

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